

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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LAWRENCE RUSTON and JANET RUSTON,

Plaintiffs,

-against-

**STIPULATED  
ORDER**

THE TOWN BOARD FOR THE TOWN  
OF SKANEATELES, PAUL "BILL" PAVLUS,  
THADDEUS ASTEMBORSKI, BARBARA SPAIN,  
DAVID G. LAXTON, THEODORE MURDICK, THE  
PLANNING BOARD FOR THE TOWN OF  
SKANEATELES, MARK TUCKER, JOSEPH  
SOUTHERN, KENNETH JONES, ALAN  
BRIGGS, LEWIS WELLINGTON, DESSA  
BERGEN, ROBERT LOTKOWICTZ, and THE  
VILLAGE OF SKANEATELES,

**06 Civ. 927(FJS/GHL)**

Defendants.

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**WHEREAS**, Defendants moved pursuant to Federal Rule of Civil Procedure 12(b)(6) to  
dismiss the action; and

**WHEREAS**, by a Judgment and Memorandum-Decision and Order dated September 30,  
2009, this Court granted the said motions and dismissed the action; and

**WHEREAS**, on October 8, 2009, the attorneys for the Defendant, Village of  
Skaneateles, filed a timely Motion for an Order pursuant to 42 U.S.C. §1988 for an award of  
attorneys' fees to the Defendant, Village of Skaneateles, and this Court thereafter scheduled  
Plaintiffs' response to said motion to be due on November 10, 2009, Defendant Village of  
Skaneateles' reply to be due on November 16, 2009, and the return date on said motion to be  
November 27, 2009; and

**WHEREAS**, on October 27, 2009, the Plaintiffs timely filed a Notice of Appeal from the September 30, 2009 Memorandum-Decision and Order and Judgment and from the underlying Memorandum-Decision and Order dated December 22, 2008;

**NOW**, upon the joint request of the Plaintiffs and the Defendant, Village of Skaneateles, it is hereby

**ORDERED**, that the motion submitted by the Defendant, Village of Skaneateles, for an Order pursuant to 42 U.S.C. §1988 for an award of attorneys' fees be and the same hereby is deemed voluntarily withdrawn without prejudice to said Defendant resubmitting same, with supplementation if said Defendant chooses, upon resolution of Plaintiffs' appeal.

Dated: Syracuse, New York  
November 12, 2009



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Hon. Frederick K. Scullin, Jr., Senior U.S.D.J.